* BEFORE THE * DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 92-34-A

James E. Faulkner, et ux Petitioners

5th Councilmanic District

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioners, James and Janice Faulkner, appeared and testified. There were no Protestants.

Testimony indicated the subject property, known as 5125 Forge Road, consists of 14,630 sq.ft. zoned D.R.1, and is presently unimproved. Petitioners are desirous of constructing a single family dwelling on the property in accordance with that depicted on Petitioner's Exhibit 1. Testimony indicated Petitioners have owned the subject property for the past seven years during which time public sewer facilities were to be extended to the site. Petitioners testified that sewer service has not yet been provided and a private septic system is required. Testimony indicated that the requested variance is necessary in order to comply with the requirements of the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) who established the location of the septic field on the lot. Further testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3 day of October, 1991 that the Petition for Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restric-

- 2-

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The proposed dwelling shall be a minimum of 20 feet from the septic reserve area.

> Deputy Zoning Commissioner for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

October 8, 1991

887-3353

Mr. & Mrs. James Faulkner 4104 Perry View Road Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE SE/S Forge Road, 915' E of Randell Avenue (5125 Forge Road) 11th Election District - 5th Councilmanic District James E. Faulkner, et ux - Petitioners Case No. 92-34-A

Dear Mr. & Mrs. Faulkner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO Deputy Zoning Commissioner

TMK:bjs

cc: People's Counsel

File

for Baltimore County

Petition for Variance

92-34-A to the Zoning Commissioner of Baltimore County The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

1802.3.C.1 - to allow a rear yard setback of 30 ft. in lieu of the minimum

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property_ which is the subject of this Petition. Contract Purchaser/Lessee: MEJAMES E. FAURNER (Type or Print Name) Janes C. Taulkanour MAS JANICE E. FAULKNER City and State Attorney for Petitioner: (Type or Print Name) Name, address and phone number of legal owner, con-

Phone No. ORDER RECEIVED FOR FILING ESTIMATED LENGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS ALL OTHER REVIEWED BY: DATE 7-19-9

tract purchaser or representative to be contacted

92-34-A Reasons For Variance

- 1. No public sewer has been provided. They originally proposed sewer for 1988, but after this date was passed, sewer service was proposed for 1991.
- 2. Due to no public sewer as septic system had to be utilized. This system was the only possible alternative.
- 3. D.E.P.R.M. determined and designed septic field. Due to this location and specific design, homesite was placed according to D.E.P.R.M. policies and guidelines. Because of the needed septic field area that will meet specificD.E.P.R.M. reguirement, the house had to be positioned closer to the southern or rear lot line to gain the added septic field area to meet code.
- 4. If petition is denied, lot that we have owned and waited patiently for public sewer, will be valueless.

Zoning Description

Beginning at a point on Forge Rd. 30 ft. wide at the distance 915 pt. NE of Randell Ave., soft. wide. Being Lot No. 6, BLOCK M in the Subdivision & Forge Acres as recorded in Baltimore County Plat Book No. 14 folio 88, Containing 14,630 sq ft. Also Known as 5125 Forge Rd. & located in the 11th Election District

92-34-A

CERTIFICATE OF POSTIMO

District	Date of Posting
Posted for: 1/6/10/10/10/10	Kanasa Jawa
Petitioner:	16. , 905 16/11/10 Sell 11/10
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Location of Signs:	
with franchis	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
Remarks:	Date of return:
Posted by Signature	Data of return:
number of Signs:	

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Case Number: 92-34-A SE/S Forge Road, 915' E of Randell Avenue 5125 Forge Road 11th Election District Petitioner(s): James E. Faulkner, et ux Variance: to allow a rear yard setback of 30 ft. in lieu of the minimum required 50 ft.

N/J/8/160 August 15.

Baltimore County

NOTICE OF HEARING

Case Number: 92-34-A
SE/S Forge Road, 915' E of
Randell Avenue
5125 Forge Road
11th Election District
5th Councilmanic
Petitioner(s):
James E. Faulkner, et ux

Zoning Commissioner of

Hearing Date: Finday Sept. 27, 1991 at 2:00 p.m.

Varia Variance: to allow a rear yard setback setback of 30 ft. in lieu of the min imum r imum required 50 ft.

N/J/8/1-N/J/8/160 August 15.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _/ weeks, the first publication appearing on ___

THE JEFFERSONIAN.

CERTIFICATE OF PUBLICATION The The Zoning Commissioner of Baltim Baltimore County, by authority of the Zc the Zoning Act and Regulations of Bal of Baltimore County will hold a public public hearing on the property identifi identified herein in Room 106 of the C the County Office Building, located cated at 111 W. Chesapeake Avenue ii enue in Towson, Maryland 21204 as folic as follows:

THIS IS TO CERTIFY, that the annexed advertisement was publish ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. once in each of__ successive weeks, the first publication appearing

NORTHEAST TIMES BOOSTER and the

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Baltimore County

Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

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Please Make Checks Payable To: Baitimore County

Towson, MD 21204

887-3353

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

James and Janice Faulkner 4104 Perry View Road Baltimore, Maryland 21236

DATE: 8 27 19/

111 West Chesapeake Avenue

Case Number: 92-34-A SE/S Forge Road, 915' E of Randell Avenue 5125 Forge Road 11th Election District - 5th Councilmanic Petitioner(s): James E. Faulkner, et ux HEARING: FRIDAY, SEPTEMBER 27, 1991 at 2:00 p.m.

Dear Petitioner(s):

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 31st day of July, 1991.

Zoning Plans Advisory Committee

Petitioner: James E. Faulkner, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

DATE: August 16, 1991

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

> Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Walker Property, Item No. 505 Parsons Property, Item No. 9 Donovan Property, Item No. 10 Wolf Property, Item No. 17 Pearson Property, Item No. 19 Stifler Property, Item No. 22 Felts Property, Item No. 24 Melchor Property, Item No. 25 Faulkner Property, Item No. 27 McJilton Property, Item No. 32 Horne Property, Item No. 33 Elsnic Property, Item No. 38 Mugrage Property, Item No. 39 Copeland Property, Item No. 42 Eckert Property, Item No. 44 Hartel Property, Item No. 50 Gimbel/Gaffney Property, Item No. 51

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat NUMEROUS.ITM/ZAC1

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

AUGUST 2, 1991

887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

BALT MORE COUNTY, MARY AND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

July 30, 1991, James E. Faulkner, et ux, SE/S Forge Road,

915' E of Randell Avenue (#5125 Forge Road), D-11, Public

Soil percolation test have been conducted. Revised plans have been

requested by letter dated June 13, 1991. Proposed house must be a minimum

Zoning Commissioner

Water and Sewer

COMMENTS ARE AS FOLLOWS:

SSF:rmp

⊉7ZNG/GWRMK

of 20 feet from the septic reserve area.

Office of Planning and Zoning

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #27, Zoning Advisory Committee Meeting of

July 24, 1991

Case Number: 92-34-A SE/S Forge Road, 915' E of Randell Avenue 5125 Forge Road 11th Election District - 5th Councilmanic Petitioner(s): James E. Faulkner, et ux HEARING: FRIDAY, SEPTEMBER 27, 1991 at 2:00 p.m.

Variance to allow a rear yard setback of 30 ft, in lieu of the minimum required 50 ft.

Zoning Commissioner of Baltimore County

cc: James and Janice Faulkner

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

September 11, 1991

887-3353

Mr. & Mrs. James E. Faulkner 4104 Perry View Road Baltimore, MD 21236

> RE: Item No. 27, Case No. 92-34-A Petitioner: James E. Faulkner, et ux Petition for Variance

Dear Mr. & Mrs. Faulkner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

875-92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE AUGUST 15, 1991

ZONING COMMISSIONER, DEPARTMENT ZONING

RICHARD F. SEIM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: 27 SUBJECT:

PROPERTY OWNER: James E. Faulkner, et ux LOCATION: SE/S Forge Road, 915' E of Randell Avenue (#5125 Forge Road)

ELECTION DISTRICT: 11th COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () NUMBER PARKING SPACES () BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 1, 1991 Zoning Administration and Development Management FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for July 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 505, 3, 7, 9, 10, 17, 18, 19, 21, 22, 23, 24, 27, 30 and 31.

For Item 20, the extension of public water, sewer and paving may be required, prior to issuance of a building permit for this lot.

For Item 26, the previous County Review Group comments are still applicable.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB∶ε

THE PARTY OF THE P

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

Date: August 30, 1991

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili
SUBJECT: Z. A. C. Comments
Z. A. C. MEETING DATE: July 30, 1991

This office has no comments for item numbers 505, 3, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30 and 31.

Rahee J. Famili Traffic Engineer II

RJF:bza

Rec'd 9491

PLEASE FRINT CLEARLY

NAME

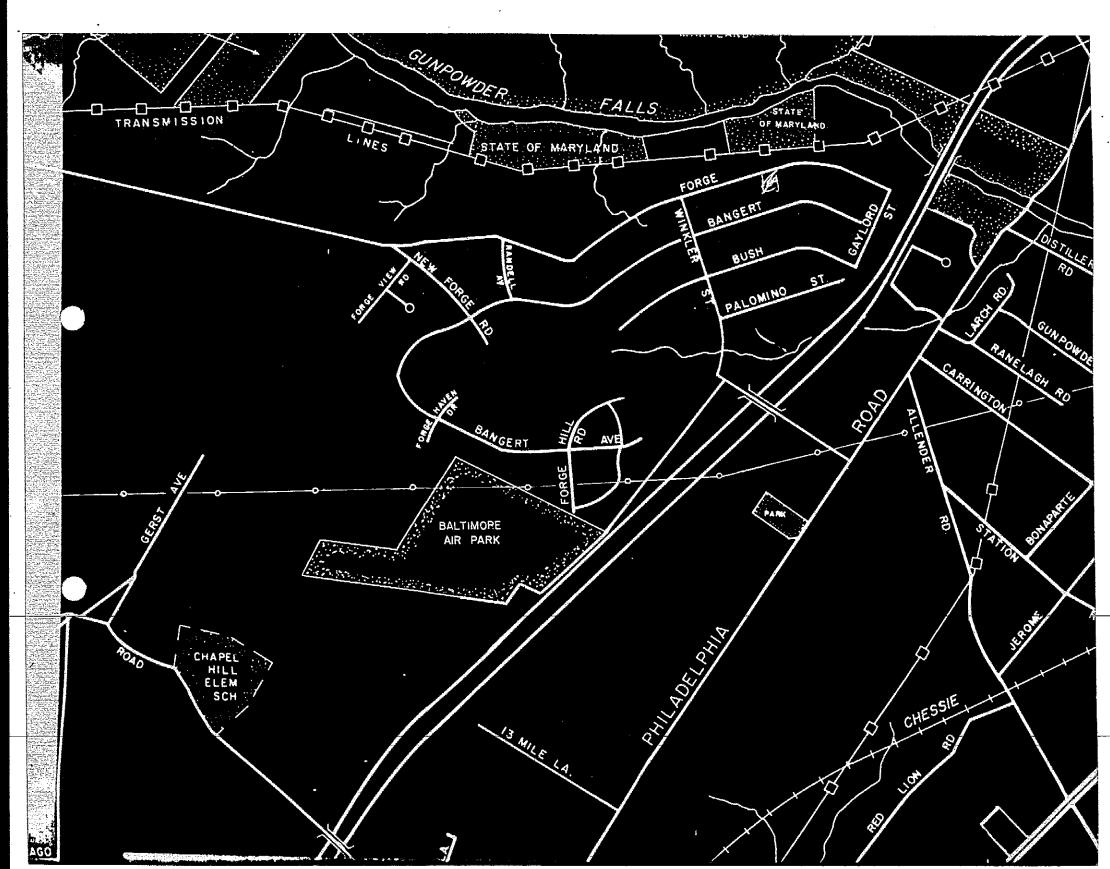
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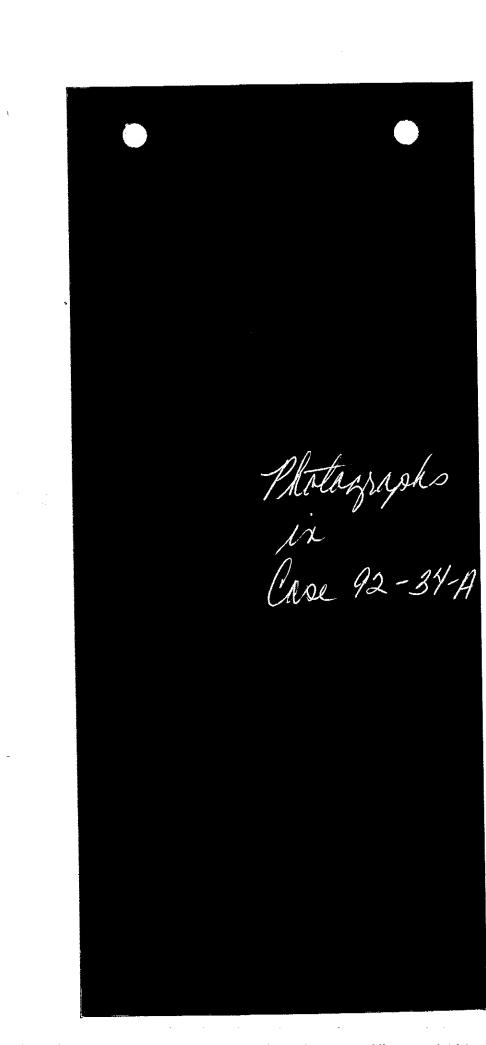
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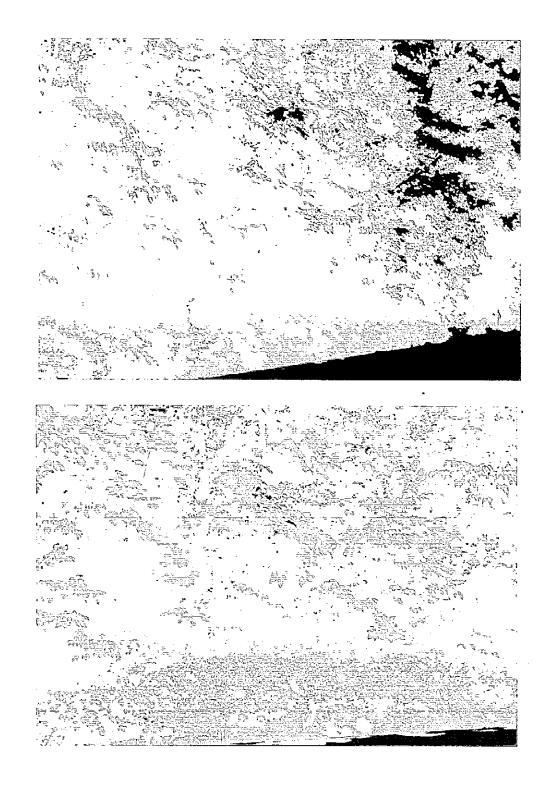


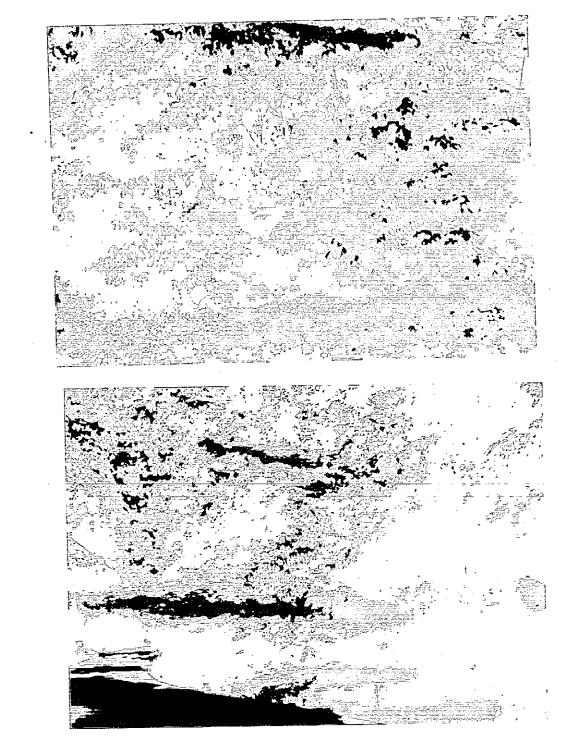
Plat to accompany Petition for Zoning Variance

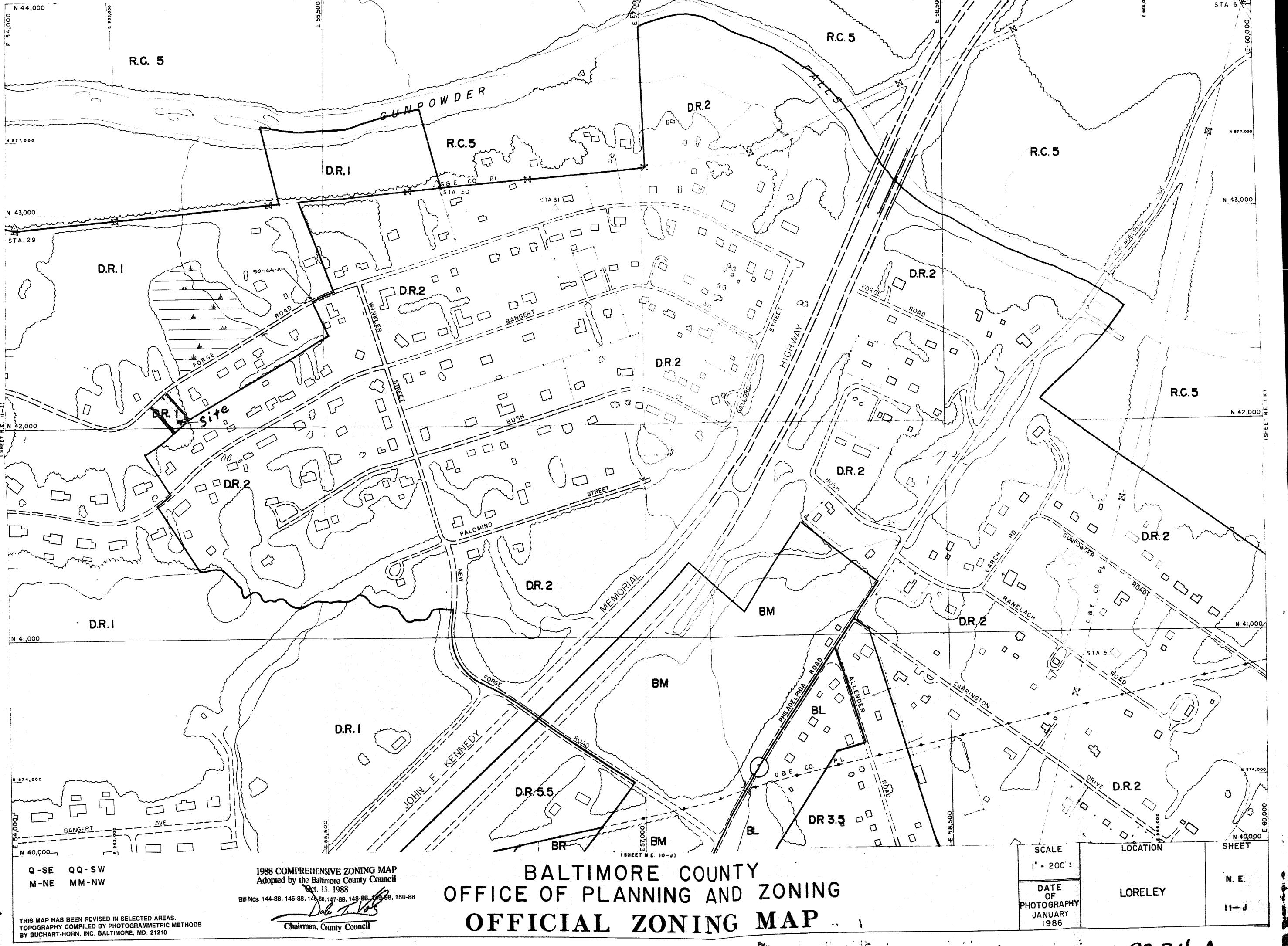
PROPERTY ADDRESS: 5/25 for a c Road

See pages 8 & 6 of the C Supering Access plate Acc









#27

72-34-A